

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

and each shall hold office for a term of five years and until his successor is appointed and qualified.”

In presently making appointments to the board, as the terms of the members expire, it is my opinion that you should make your appointments for such terms of five years or less as will eventually result in the terms of the membership expiring one in each year.

JOHN S. S. FESSENDEN  
Deputy Attorney General

July 17, 1950

To Marion E. Martin, Commissioner of Labor and Industry  
Re: Elevator Inspection Frequency

I acknowledge receipt of your memo of July 14th, in which you call my attention to Section 99-H of Chapter 374, P. L. 1949, the second paragraph, which you quote as follows: “to maintain a certificate in force either a State elevator inspector or an authorized elevator inspector shall inspect every passenger elevator every 6th calendar month, and every freight elevator, every 12th calendar month . . .”

You state in the second paragraph of your memo that the Board feels that such infrequent inspection cannot assure the safety which the law is designed to provide, and has therefore adopted a rule that passenger elevators shall be inspected 4 times a year and freight elevators twice a year.

You further state that the members realize that they could not revoke a certificate under these conditions, but if an elevator was in such a state of disrepair that it was unsafe and created a menace, under the fourth paragraph of this section the conveyance could be taken out of service immediately and a condemnation card posted.

Upon this statement of law and fact you raise the question: “Does the Board have the authority to adopt such a rule and, if adopted, can we require inspection in conformity to the rule?”

In reply to your question I will say that in my opinion the Board can require inspection at any time it may deem necessary. It appears to me from the language of the statute which you quoted in paragraph one of your memo that it is mandatory that passenger elevators be inspected twice a year and freight elevators once a year. This statute makes it mandatory that elevators be inspected as often as prescribed therein, but it does not prevent the Board from having more frequent inspections, if deemed necessary to protect the public.

RALPH W. FARRIS  
Attorney General